

SECTION L—INSTRUCTIONS, CONDITIONS, AND NOTICES TO CONTRACTORS

L.1 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the CO will make their full text available. The Contractor is cautioned that the listed provisions may include blocks that must be completed by the Contractor and submitted with its proposal or offer. In lieu of submitting the full text of those provisions, the Contractor may identify the provision by paragraph identifier and provide the appropriate information with its proposal or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es):

<http://farsite.hill.af.mil/> or <https://www.acquisition.gov/far/> .

52.204-6 Data Universal Numbering System (DUNS) Number (APR 2008)

52.215-1 Instructions to Contractors—Competitive Acquisition (JAN 2004)

L.2 FAR PROVISIONS INCORPORATED IN FULL TEXT

52.216-1 Type of Contract (APR 1984)

The Government anticipates the award of an Indefinite Delivery Indefinite Quantity contract or a Multi-Year contract to a single contractor as a result of this solicitation.

52.233-2 Service of Protest (SEPT 2006)

(a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accountability Office (GAO), shall be served on the CO (addressed as follows) by obtaining written and dated acknowledgment of receipt from:

James D. Adams
Contracting Officer
Immigration & Customs Enforcement
Office of Acquisition Management – Detention, Compliance & Removals
801 I Street NW, Suite 9151
Mail Stop 5750
Washington, DC 20536

(b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

L.3 Payment of Proposal Costs

This solicitation does not commit the Government to pay any cost incurred in the submission of the offer or in making necessary studies or designs for the preparation thereof, nor to contract for services or supplies.

L.4 Proposal Submission Instructions

Contractors are requested to demonstrate their expertise through a written proposal. The Demonstrated Technical/Management Capabilities proposal shall be submitted in both hardcopy and softcopy format. The hardcopy format shall be submitted with text no smaller than 12-point type on standard 8 ½ by 11 inch paper. Fold outs are permitted on paper up to 11x17 inch paper. Six (6) copies of the hardcopy Demonstrated Technical/Management Capabilities proposal and at least two (2) copies of the softcopy Demonstrated Technical/Management Capabilities proposal must be submitted. Failure to fully adhere to the prescribed format may result in the Offeror's disqualification from the competition. The softcopy version of the Demonstrated Technical/Management Capabilities proposal shall be submitted via CDROM in MS Word, MS Excel, or PDF format or a combination thereof. There is no page limit to the Demonstrated Technical / Management Capabilities proposal.

The Past Performance proposal shall be submitted in hardcopy format only. The hardcopy Past Performance proposal shall be submitted in a separate volume from the Demonstrated Technical/Management Capabilities, Price/Cost proposal, and Environmental proposal and shall be submitted with text no smaller than 12-point type on standard 8 ½ by 11 inch paper with fold outs on 8 ½ by 14 inch paper. Two (2) hardcopies of the Past Performance proposal are required for submission.

With regard to all four volumes, font size smaller than 12-point may be used for graphics and tables as long as it is legible.

The Price/Cost proposal shall be submitted in both hardcopy and softcopy format.

The hardcopy Price/Cost proposal shall be submitted in a separate volume from the Demonstrated Technical/Management Capabilities proposal, Past Performance proposal and Environmental proposal and shall be submitted in hardcopy format with text no smaller than 12-point type on standard 8 ½ by 11 inch paper with fold outs on paper up to 11 x 17 inch paper. Two (2) hardcopies and two (2) softcopies of the Price/Cost proposal are required for submission. **The softcopy format will be accepted in MS Excel format only, on CDROM.**

The Environmental proposal shall be submitted in a separate volume from the Demonstrated Technical/Management Capabilities proposal, Past Performance proposal, and Price/Cost proposal and shall be submitted in hardcopy format with text no smaller than 12-point type on standard 8 ½ by 11 inch paper with fold outs on paper

up to 11 x 17 in paper. (3) hardcopies and (2) softcopies of the Environmental proposal are required for submission. The softcopy format shall be in Microsoft Word and Adobe PDF, on CDROM.

Failure to fully adhere to the prescribed format may result in the Contractor's disqualification from the competition.

The submission deadline for proposals is 12:00 noon EST Friday December 4, 2015. All information must be submitted care of Contract Specialist Arnold Casterline. Hardcopies and softcopies of the technical, past performance, price and environmental proposals should be delivered to the following address:

U.S. Department of Homeland Security
Immigration & Customs Enforcement
801 I Street, NW Suite 9116
Mail Stop 5750
Arnold Casterline, Phone (202)732-2394
Washington, DC 20536

Offerors and/or couriers may be required to walk through a metal detector, have all belongings (including the proposal submission package) screened by an x-ray system, show valid picture identification, and sign a visitor's log. Guards will telephone either the Contract Specialist or CO to announce their arrival and request an ICE employee come to the visitor's lobby to receive the package. These procedures will require extra time. Therefore, offerors shall ensure that any commercial delivery service or company employee have appropriate identification, and allow extra time for hand carried deliveries. Delays encountered at the guard desk or refusal of admission does not constitute excusable delays. Offerors' submissions shall be received by the Contract Specialist by the closing date and time stated above in order to be considered for award. Receipt of offers by ICE at the specified location by the specified closing date and time is the sole responsibility of the offeror.

Submissions should be clearly marked: **HSCEDM-15-R-00004** on the outermost mailing envelope or box and in the subject line of the email(s).

L.5 Receipt of Proposals and Late Submissions

Proposals, including modifications, received at the issuing office after the closing date and time specified on the cover page of this solicitation will be considered as late submissions and handled accordingly.

L.6 Proposal Preparation Instructions

The following instructions are provided to assist the Contractor in understanding the information needed to make an objective selection of the contractor for this proposed procurement. Since this information constitutes the major basis for formal judgment, it will be advantageous to the Contractor to present a proposal in a clear, concise manner and in terms understandable to those who may be unfamiliar with the Contractor's detailed intentions and reasoning process. Responses should follow the PWS to the extent practicable. The PWS submitted and accepted in response to this solicitation will be incorporated directly into the final contract.

1) General Information

The proposal must be sufficiently detailed and complete to demonstrate an understanding of an ability to comply with the requirements of the Request for Proposal (RFP). The proposal shall demonstrate such understanding and ability in a concise, logical manner, and should not contain superfluous material that is not related directly to this acquisition. General statements that the Contractor "can comply" or "will comply" with the requirements, that "standard procedures will be used," "well known techniques will be used," or that paraphrase the PWS in whole or part WILL NOT constitute compliance with the requirements concerning the content of the Demonstrated Technical/Management Capabilities proposal. Contractors must demonstrate capability of performing all tasks outlined in Section C of this RFP.

The proposal shall be submitted in four (4) separate sections:

Volume I - Demonstrated Technical/Management Capabilities

Volume II - Past Performance

Volume III – Price/Cost Proposal

Volume IV – Environmental

Each proposal shall: (1) be specific and complete in every detail; (2) conform to all solicitation provisions, clauses, or other requirements; (3) be logically assembled, practical, legible, clear, concise, coherent; and indexed (cross-indexed, where appropriate); and (4) contain appropriately numbered pages of each volume or part.

Pricing data shall not be included in Volume I, Volume II or Volume IV.

Revisions, if requested by the Government at a later date, must be made in writing and incorporated into the proposal text to be evaluated by the Government.

2) Separation of Volumes

Each volume shall be written on a stand-alone basis. Cross-referencing within a proposal volume is permitted where its use would conserve space without impairing clarity. Information required for each proposal evaluation factor, which is not found in its designated volume, will be assumed to have been omitted from the proposal.

Proposal volumes shall be limited to the following submissions:

Volume I: Demonstrated Technical/Management Capabilities Proposal:

- 1) Technical Management Approach
- 2) Quality Control Plan
- 3) Transition Plan
- 4) Staffing Plan and Key Personnel Resumes
- 5) Demonstrated compliance with standards
- 6) Concept Design

Volume II: Past Performance

Past Performance/List of Agencies or Companies

Volume III: Price/Cost Proposal:

- 1) Legal Offer: Identification and Cover Letter
- 2) Signed SF 1447
- 3) Section B – Contract Line Item Numbers 0001-9006 (Option A and Option B)
- 4) Section K

Volume IV: Environmental:

Documentation in accordance with Section J Attachment J-12 NEPA Compliance

3) Technical Proposal Content (Volume I)

FACTOR 1 Demonstrated Technical/ Management Capability

Technical Management Approach (Factor 1/Sub-factor 1):

At a minimum the offeror shall:

- Provide a concept design in response to the PWS. That design may involve the use of an existing facility, the renovation of an existing facility or new construction. The design should be innovative and feasible, and meet the minimum requirements of the PWS, RFP and design standards therein.
- Articulate its understanding of the Performance Work Statement (PWS).

- Articulate how it specifically plans to help ERO achieve the PWS through its design solution
- Articulate how it will acquire and maintain a reserve guard force for temporary or emergency staffing that is sufficient to meet the requirements of the PWS.
- Provide a Management Plan.
- Clearly identify and clearly explain any assumptions made in the submission of their technical approach volume, including the concept design.

Quality Control Plan (Factor 1/Sub-factor 2): The Contractor shall describe its approach to planning and executing a quality control and assurance process throughout the life of the contract that will fully meet the standards proposed in their offer. At a minimum, the Quality Control Plan shall demonstrate the Contractor's ability to self-monitor with regard to:

Inspections
Methodology
Supervisory Plan
Communication Plan
Emergency Food Service Plan

Transition Plan (Factor 1/Sub-factor 3): The Transition Plan shall illustrate how the Contractor will provide a seamless transition between the Contractor and the predecessor Contractor to ensure minimal disruption to vital Contractor services and Government activities. The Transition Plan shall address, at a minimum, the following areas:

- Recruitment, adequate and available staff.
- Training of new and incumbent employees.
- Licenses and Permits obtained prior to performance.
- Insurance obtained prior to performance and in compliance with clause H-1.
- Background Investigations; all employees are cleared in accordance with Section H.
- Inventory of Proposed Security / Enforcement Equipment is adequate to deal with a disturbance.
- Acquisition of Transportation Assets

Staffing Plan and Key Personnel/Resumes (Factor 1/Sub-factor 4):

Staffing Plan: The Contractor shall identify the total work force (including Subcontractors) that will be used to perform all services described in the PWS. The Staffing Plan shall include an organizational chart with all proposed personnel, including the supervisor level, functional responsibilities, key personnel, and other staff members who will provide services under this contract. Please see the staffing plan template below.

Position	Non-Shift (9:00am – 5:00pm)	Day Shift (5:45am – 2:00pm)	Swing Shift (1:45pm – 10:00pm)	Grave Shift (9:45pm – 6:00am)	Posts	Days	Relief Factor	FTE
Example Detention Officer	1	0	0	0	1	5 Day	1	1

List of Key Personnel / Resumes: The Contractor shall provide a minimum of one (1) resume for each key personnel identified in the PWS. The Contractor shall propose candidates that clearly possess all of the demonstrated experience and knowledge identified in the PWS.

Compliance with Standards (Factor 1/Sub-factor 5). At a minimum, the Offeror shall identify how it will ensure compliance with the following standards:

- Site Plan that meets CDF Design Standards
- 2011 Performance Based National Detention Standards (PBNDS 2011):
- The government expects Offeror compliance with all mandatory requirements outlined by PBNDS 2011.
- In addition, the government is seeking, to the maximum extent possible, compliance with the optimal (non-mandatory) requirements of PBNDS 2011.
- Prison Rape Elimination Act (PREA) standards for DHS detention facilities.
- American Correctional Association (ACA) Standards
- National Commission on Correctional Health Care (NCCHC) Standards
- Other Local, State and Federal Standards (i.e. state licenses, permits, etc)

4) PAST PERFORMANCE (Factor 2) Volume II:

Contractors and Subcontractors shall provide past performance information for any and all recent and relevant contracts for same or similar services which were held within the past five (5) years. This information submitted shall contain such information as: contract number, contract type, contract dollar value, date of award, period of performance, point of contact, and a description of the work, scope and responsibilities of the contract. Contractors without a record of relevant past performance or for whom information on past performance is not available will receive a neutral rating, as required by FAR Part 15.305(a)(2)(iv).

Past performance is a measure of how well Contractors and Subcontractors have satisfied customers, adhered to applicable Federal, state, and local laws and regulations, and conducted its business in an ethical manner. Contractors may provide information on problems encountered on the identified contracts, and the Contractor's corrective actions. Contractors are encouraged to submit past performance information

for any major Subcontractor(s) being proposed for this effort for at least one recent and relevant contract. Subcontractors without a record of relevant past performance or for whom information on past performance is not available will receive a neutral rating.

It is not sufficient to merely state that past or ongoing contracts are similar in size, scope, and complexity to the requirements of the RFP. Rationale shall be provided to convincingly demonstrate that such contracts are indeed similar in size, scope, and complexity. The Contractor is responsible for verifying and ensuring that the information provided in support of its cited past performance is complete, comprehensive, accurate, and current as of the month of issuance of this RFP. The Government will neither make assumptions nor draw inferences regarding missing or incomplete information. Contractors are advised that past performance information may be obtained from other sources known to the Government, and therefore, the Government may also evaluate information from such other sources, even though the Contractor does not include such information in its proposal. The overall past performance rating determined will be based upon the past performance information received for both the Contractor and Subcontractor(s).

Separately from the Volume II Past Performance submission, ICE requires that the Past Performance Questionnaire be completed for each referenced past performance example by each reference and submitted by the closing date of the RFP. Please advise your references to fill out the attached Questionnaire and submit it to the point of contact as follows:

Arnold Casterline
Email: Arnold.P.Casterline@ice.dhs.gov
Fax: 202-732-2394

The Contractor shall use the Past Performance Questionnaire to obtain information for the following services:

- Detention Guard Services
- Transportation Services
- Food Services
- Project Management

The reference should also cover subcontracting performance or any partnering relationship proposed in response to this solicitation and their role in the past performance referenced should be identified. The Government may use other information available from Government sources to evaluate a Contractor's past performance. The Government reserves the right to limit or expand the number of references it decides to contact and to contact references other than those provided by the Contractor. If a Past Performance Questionnaire is received from a Contractor, it will be rejected and not used for evaluation purposes.

5) PRICE/COST PROPOSAL (Factor 3) Volume III shall contain:

Legal Offer (Identification and Cover Letter): The proposal shall include a cover letter that identifies all enclosures being transmitted as part of the proposal. The letter shall reference the solicitation number and acknowledge that it transmits an offer in response to the solicitation. It shall state proposal validity through at least January 6, 2016.

Signed SF 1447: Blocks 13 and 15 on page 1 of the SF 1447 will be completed by Contractors and Block 17 shall be signed to show that the Contractor has read and agrees to comply with all the conditions and instructions provided in the solicitation document.

Section B: CLINs 0001- 9006 (Option A and Option B) to be completed, with all fill-ins, by Contractor. The Bed Day rate for quantities above the guaranteed minimum shall be reasonable when compared to the Contractor's proposed rate for the guaranteed minimum quantities. Labor hours quoted should represent fully burdened labor rates. Positions to be fulfilled through the use of a subcontractor(s) should be clearly distinguished from those positions to be fulfilled by the prime. Pricing spreadsheets shall only be submitted in Excel 97 or higher version.

Contingency Pricing:

- Contractors shall not include contingency allowances to cover increased costs for which adjustments are provided under Federal Acquisition Regulation (FAR) Clause 52.222-43 – Fair Labor Standards Act and Service Contract Act – Price Adjustments (Multiple Year and Option Contracts) (Sept. 2009).
- In addition to increases to wages and fringe benefits prescribed by a revised wage determination, including bona fide fringe benefits specifically called out in a collective bargaining agreement, ICE may consider increases to other direct costs brought about by the contractor's cost of compliance with the terms of a revised wage determination (e.g. state gross receipts tax). Any price adjustment request associated with such other direct cost(s) shall be supported by documentation demonstrating that a contingency covering an increase to the subject cost(s) was not included in the contractor's price proposal accepted by the Government at time of award. *At a minimum, the Contractor must provide the information contained in Exhibit A, but ICE reserves its right to obtain additional information when making its determination. Moreover, the intent of FAR 52.222-43 (b) is that a contractor will not receive double payment for already escalated pricing at the time of the price adjustment. Nevertheless, if the awarded contract includes an escalated price schedule, the Contractor may still request price adjustments if, and only if, the Contractor provides a break-down of components and percentages (or flat rates) included in the escalation factor and that break-down reflects no escalation of SCA-covered labor rates.)*
- For cost/price factors that are subject to variation, but are not subject to

adjustment under the provisions above, contractors may factor in contingency allowances.

Note: Increases to Supervisor wages and benefits are not subject to contract price adjustment in the subsequent ordering periods under FAR 52.222-43(d), unless the Supervisory position is expressly covered under a Collective Bargaining Agreement or DOL Wage Determination. For Supervisory positions that are not subject to contract adjustment under FAR 52.222-43(d), the contractor is permitted to include a reasonable escalation in subsequent option periods based on the labor market in the geographical area that the effort will be performed.

Section K (completed)

6) Environmental (Volume IV)

Volume IV consists of the offeror's environmental documentation which identifies the potential environmental impacts, proposed mitigation and any other relevant information pertaining to the impacts of the proposed site. The documentation shall be completed in accordance with Section J Attachment 12 NEPA. Each offeror's environmental documentation will be evaluated in accordance with Section M. Documentation shall be submitted in both hardcopy and softcopy format. Softcopies must be submitted on compact disk (CD-ROM) in both of the following formats: Word ; Adobe Acrobat (PDF format).

Offerors shall submit only one proposed site for this requirement. Multiple sites will not be accepted.

Disclosure of information: Information submitted by any potential offeror in Volume IV shall not be considered "Proprietary Information." The Government reserves the right to publicly disclose any information submitted.

L.7 Questions or Clarifications

All questions or request for clarifications shall be submitted electronically to Arnold Casterline at Arnold.P.Casterline@ice.dhs.gov no later than close of business (COB) EST September 10, 2015. Questions received after this date and time will not be addressed. Contractors are encouraged to submit their questions in advance of this date. Answers to all questions submitted will be provided altogether as an amendment to this solicitation as soon as possible after the time and date listed above.

(END OF SECTION L)